

Development Application Variations to Standards under Clause 4.6 of Parramatta LEP 2011, Auburn LEP 2010,
Holroyd LEP 2013, The Hills LEP 2012, Hornsby LEP 2013.

Approved from 01 April – 30 June 2022

DA No	Address	Category of development	Environmental Planning Instrument and Zone	Development standard to be varied	Extent of Variation	Officer Recommendation	Determination	Date DA determined
DA/955/2021	10A Grand Avenue ROSEHILL NSW LOT 101 DP 811924	IN3 Heavy Industrial	PLEP 2011 Heavy Industrial	Clause 4.3 - Height of Building	Allowed: 12m Proposed: 21m Variation: 9m (75%)	Approval	Approved	17 May 2022 Parramatta Local Planning Panel (PLPP)

Justification of height variation:

The Parramatta Local Planning Panel (PLPP) supports the variation to Clause 4.3 Height of Building of the Parramatta Local Environmental Plan 2011 under the provisions of Clause 4.6 for the following reasons

- The variation sought is minor and will not have any significant adverse impacts. As such, compliance with the standard is unnecessary. Accordingly, Council believes that there are sufficient environmental planning grounds to justify the variation and finds that the application is satisfactory.
- The Applicant's Clause 4.6 variation request has adequately addressed the matters required to be demonstrated in Clause 4.6(3) of Parramatta LEP 2011 and that the proposed development will be in the public interest because it is consistent with the objectives of the building height control and the objectives for development within the IN3 zone in which the development is proposed to be carried out.

DA No	Address	Category of development	Environmental Planning Instrument and Zone	Development standard to be varied	Extent of Variation	Officer Recommendation	Determination	Date DA determined
DA/1004/2021	21a Caloola Road CONSTITUTION HILL NSW 2145 LOT 101 DP 1220278	Infrastructure	PLEP2011 Low Density Residential	Clause 4.3 Height of buildings	Allowable 9m Proposed 20.94 Variation 11.94m (132%)	Approval	Approved	17 May 2022 Parramatta Local Planning Panel (PLPP)

Justification of height variation:

The Parramatta Local Planning Panel (PLPP) supports the variation to Clause 4.3 Height of Building of the Parramatta Local Environmental Plan 2011 under the provisions of Clause 4.6 for the following reasons

Notwithstanding the non-compliance, it is noted that the proposal will achieve the objectives of Clause 4.3 and satisfy the first point of the test.

In regard to the other points, the strict enforcement of the development standard is considered to be unreasonable and unnecessary for the following reasons:

- Strict compliance with Clause 4.3 would defeat the purpose of having the telecommunication infrastructure and lead to poor reception where the intent of the proposal is to improve this service to the locality.
- The 9m building height development standard is reflective of the dwelling/dual occupancy land uses typical of the surrounding R2 Low Density Residential zone and was not enforced with telecommunication infrastructure in mind.
- Whilst zoned R2 Low Density Residential, the subject site would never be used for residential purposes given its existing status as a State Heritage Item.
- Existing non-compliances of the building height development standard already existing in the surrounding locality, in the form of Mount Dorothy reservoir as well as electricity infrastructure.

DA No	Address	Category of development	Environmental Planning Instrument and Zone	Development standard to be varied	Extent of Variation	Officer Recommendation	Determination	Date DA determined
DA/544/2021	47-49 Park Road RYDALMERE NSW 2116 Lot 6 DP 38557 Lot 5 DP 38557	Residential – New multi- unit	PLEP2011 R4 High Density Residential	Clause 4.3 Height of Building	Allowable 11.00m Proposed 12.5 m Variation 1.5m (13%)	Approval	Approved	17 May 2022 Parramatta Local Planning Panel (PLPP)

Justification of height variation:

The Parramatta Local Planning Panel (PLPP) supports the variation to Clause 4.3 Height of Building of the Parramatta Local Environmental Plan 2011 under the provisions of Clause 4.6 for the following reasons

- The height variation retains the primary presentation of the building as a 3 storey residential flat building that is consistent with other residential flat buildings within the locality;
- The building has been appropriately articulated and modulated. Fenestration, material variation and private open spaces have been incorporated in order to minimise the external bulk and scale through effective design;
- The proposal supports a residential intensity that is reasonable for the site, with regard to context and zoning;
- The height variation does not result in unreasonable amenity impacts on neighbouring properties; and
- It is acknowledged that the City of Parramatta's Design Excellence Advisory Panel raised no design objection to the non-compliance.

DA No	Address	Category of development	Environmental Planning Instrument and Zone	Development standard to be varied	Extent of Variation	Officer Recommendation	Determination	Date DA determined
DA/422/2021	2 O'Reilly Street PARRAMATTA NSW 2150 LOT 1 SEC 30 DP 758829	Residential – Other	PLEP2011 R4 High Density Residential	Clause 4.3 – Height of Buildings	Allowable 11m Proposed 13.51m Variation 2.51m (22%)	Approval	Approved	21 June 2022 Parramatta Local Planning Panel (PLPP)

Justification of height variation:

The Parramatta Local Planning Panel (PLPP) supports the variation to Clause 4.3 Height of Building of the Parramatta Local Environmental Plan 2011 under the provisions of Clause 4.6 for the following reasons

- The proposal is consistent with the objectives of the development standard as provided in clause 4.3 of PLEP2011; and
- The height variation is a result of the bonus FSR as a result of incorporating affordable housing;
- The bulk of the variation is setback away from the edge of the building and is largely hidden from view at street level.

In consideration of the variation to Clause 4.3 of the PLEP2011, the following is noted:

- The non-compliance results in a 4 storey presentation to the street, which is consistent with other existing developments in the locality, including the RFB located on the northern side of Pitt Lane; and
- The non-compliance does not create additional amenity impacts to neighbouring properties in the form of visual privacy, or overshadowing.

DA No	Address	Category of development	Environmental Planning Instrument and Zone	Development standard to be varied	Extent of Variation	Officer Recommendation	Determination	Date DA determined
DA/80/2021	574-584 Church Street 1-7 Ferris Street 6-12 Barney Street NORTH PARRAMATTA NSW 2151 Lot 100 DP 1008491; Lot 1, DP 800654; Lot 181, DP 997700; Lot 1, DP 128020; Lot 1, DP 981422; Lot 1, DP 128037; Lot F, DP 363707; Lot B, DP 330106; Lot 11, DP 583409	Commercial / retail / office	PLEP2011 B6 Enterprise Corridor SP2 – Classified Road	Clause 4.3 - Height of Building	Allowable 12m Proposed Building 10.5m; Pylon Blade Wall 13.5m Variation 1.5m (12.5%)	Approval	Approved	21 June 2022 Parramatta Local Planning Panel (PLPP)

Justification of height variation:

The Parramatta Local Planning Panel (PLPP) supports the variation to Clause 4.3 Height of Building of the Parramatta Local Environmental Plan 2011 under the provisions of Clause 4.6 for the following reasons

- The zone objectives are broad in nature nonetheless the development will comply with height standard other than the pylon blade wall where a minor variation to the building height standards is proposed;
- The vertical element disrupts the horizontal plane, lessening the visual impact of the building. The proposal achieves a satisfactory visual outcome that is in character with the nature of the proposed use;
- The variation is in only a small portion of the site and the development will not result in view loss and privacy impacts and minimum solar access is achieved to neighbouring properties;
- The pylon blade wall design is consistent with other vehicle showrooms within the Parramatta area;
- The development will have a compatible contextual relationship with the site and the neighbourhood buildings;
- The proposal complies with the numerical standards of other regulatory standards applicable to the subject site; and
- A strict compliance with the numerical standards of the height control is both unreasonable and unnecessary and that there are sufficient environmental planning grounds to allow an opinion of satisfaction of the variation.